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09/943,849	08/31/2001	Benoit Laflamme		2171

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EXAMINER

WALLING, MEAGAN S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/943,849

Applicant(s)

LAFLAMME, BENOIT

Examiner

Meagan S Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-17 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/31/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6, 12, 14-17, 24, 26, and 28-29 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. (US 6,137,095) in view of Carmean (US 4,761,539).

With respect to claim 1, Kashimoto et al. teaches a cooking appliance comprising a programmable control module (Fig. 4, Ref. 35), a heating device controlled by the programmable control module (Fig. 4, Ref. 28), a cooking location wherein the heating device is in communication with the cooking location to provide heat to the cooking location (Fig. 4, Ref. 27), and a remote computer in information communication with the programmable control module via a communication link (Fig. 14, Ref. 48).

With respect to claim 6, Kashimoto et al. teaches the cooking system of claim 1 wherein the remote computer (Fig. 14, Ref. 48) communicates programming instructions to the control module (Fig. 14, Ref. 35) via a communication link (Fig. 14, Ref. 9), and wherein said remote computer (Fig. 14, Ref. 48) receives data from the control module (Fig. 14, Ref. 35) via a wireless communication link (Fig. 14, Ref. 9).

With respect to claim 12, Kashimoto et al. teaches the cooking system of claim 1 wherein the cooking appliance is a warmer and the cooking location is a warming area (column 5, lines 49-51).

With respect to claim 14, Kashimoto et al. teaches the cooking system of claim 1 wherein the cooking appliance is an oven (column 6, line 8).

With respect to claim 15, Kashimoto et al. teaches that the communication link is wireless (column 13, lines 66-67 – column 14, line 1).

With respect to claim 16, Kashimoto et al. teaches the cooking system of claim 1, wherein the remote computer communicates food temperature verification instructions to the programmable control module via the communication link (column 8, lines 21-35).

With respect to claim 17, Kashimoto et al. teaches the cooking system of claim 1 wherein the remote control computer communicates programming instructions to the programmable control module via the wireless communication link (column 6, lines 34-58).

With respect to claim 24, Kashimoto et al. teaches a programmable control module (column 6, lines 21-25), a heating device controlled by the programming control module (column 6, lines 25-33), a cooking location wherein the heating device is in communication with the cooking location to provide heat to the cooking location (column 6, lines 25-33), and a method that comprises inserting programming instructions into a remote computer (column 14, lines 14-21), transmitting programming instructions from the remote computer to the programmable control module via a wireless communication link (column 14, lines 3-7), and utilizing the programming instructions to heat the cooking location with the heating device (column 14, lines 37-40; column 6, lines 25-33).

With respect to claim 28, Kashimoto et al. teaches a programmable control module (Fig. 4, Ref. 35), a heating device controlled by the programmable control module (Fig. 4, Ref. 28), a cooking location wherein the heating device is in communication with the cooking location to

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provide heat to the cooking location (Fig. 4, Ref. 27), a remote computer in information communication with the programmable control module via a wireless communication link (Fig. 14, Ref. 48); and a temperature probe electrically connected to the remote computer to provide temperature information (Fig. 4, Ref. 29).

Regarding claim 29, Kashimoto et al. teaches a programmable control module (Fig. 4, Ref. 35), a heating device controlled by the programmable control module (Fig. 4, Ref. 28), a cooking location wherein the heating device is in communication with the cooking location to provide heat to the cooking location (Fig. 4, Ref. 27), a remote computer in information communication with the programmable control module via a wireless communication link (Fig. 14, Ref. 48), and a temperature probe in information communication with the remote computer, wherein the temperature probe provides temperature information (Fig. 4, Ref. 29).

Kashimoto et al. does not teach that the remote computer communicates calibration instructions to the programmable control module via the communication link (current claims 1, 24, 28, and 29).

Regarding claims 1, 24, 28, and 29, Carmean teaches an oven calibration system that enables the calibration of a device employing an interactive control system (column 1, lines 40-43).

Regarding claim 26, Carmean teaches that the cooking appliance is calibrated based on calibration instructions (column 1, lines 54-58).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Kashimoto et al. with the teachings of Carmean to remotely calibrate an oven. Kashimoto et al. teaches a device capable of remotely controlling cooking. The

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motivation for combining Careman with Kashimoto et al. is to avoid the expense of service calls by remotely controlling the calibration of the oven (see Carmean column 1, lines 21-26).

2. Claims 2, 3, and 5 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sharma et al. (US 2002/0143551).

With respect to claims 2, 3, and 5, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the remote computer being a PDA, a Palm Pilot, or a laptop computer. Kashimoto teaches all that is claimed in claim 1, but does not teach the use of a PDA (current claim 2), a Palm Pilot (current claim 3), or a laptop computer (current claim 5).

Sharma et al. teaches a computing device that can include a mobile computer such as a PDA or a Palm Pilot or, alternately, a personal computer such as a laptop (paragraph 0021). It would have been obvious to anyone skilled in the art at the time of the invention to substitute a PDA, a Palm Pilot, or a laptop for a remote computer. They are all mobile devices capable of processing data (Sharm et al., paragraph 0021), so they would each work equally well to communicate information. The motivation for using a PDA, a Palm Pilot, or a laptop computer is that they are all small and weigh very little, therefore can be easily transported.

3. Claim 4 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Birkler et al (US 6,466,951).

With respect to claim 4, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the communication link being an infrared link. Kashimoto et al. teaches everything taught in claim 1, but does not teach the infrared link (current claim 4).

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Birkler et al. teaches connecting a PDA to a personal computer with a wireless link such as an infrared link (column 3, lines 14-16).

It would have been obvious to anyone skilled in the art at the time of the invention to use an infrared link as a communication link. It is well known in the art, as taught by Birkler et al., that an infrared link is an efficient way to transfer data without the use of a wire and so it would be appropriate for the communication link to be an infrared link. The motivation for using an infrared link is that data can be transferred quickly and from many locations without the necessity of a wire.

4. Claim 13 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sargunam et al. (US 6,362,458).

With respect to claim 13, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the cooking appliance being a grill. Kashimoto et al. teaches everything claimed in claim 1 and the use of an oven, but does not teach the use of a grill (current claim 13).

Sargunam et al. teaches a cooking appliance including an oven cavity that can be used to grill food items (column 1, lines 6-8).

It would have been obvious to anyone skilled in the art at the time of the invention to use a grill as a cooking device. Kashimoto et al. teaches an oven as a cooking appliance (column 6, lines 6-8) and Sargunam teaches an oven that can be used to grill, therefore, a grill could be used as a cooking appliance. The motivation for using a grill over an oven is that, in many cases, cooking food on the grill causes better tasting food than cooking it in an oven.

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5. Claim 25 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sharma et al. and Birkler et al.

With respect to claim 25, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the wireless communication link being infrared and the remote computer being a PDA. Kashimoto et al. teaches everything claimed in claim 24 except the use of an infrared link and a PDA (current claim 25).

Sharma et al. teaches a computing device that can include a PDA (paragraph 0021).

Birkler et al. teaches connecting a PDA to a personal computer with a wireless link such as an infrared link (column 3, lines 14-16).

It would have been obvious to anyone skilled in the art at the time of the invention to substitute a PDA for a remote computer. They are both mobile devices capable of processing data (Sharm et al., paragraph 0021), so they would each work equally well to communicate information. The motivation for using a PDA is that it is small and lightweight and therefore can be taken anywhere. It would have been obvious to anyone skilled in the art at the time of the invention to use an infrared link as a wireless communication link. It is well known in the art, as displayed by Birkler et al., that an infrared link is an efficient way to transfer data without the use of a wire and so it would be appropriate for the communication link to be an infrared link. The motivation for using an infrared link is that data can be transferred quickly and from many locations without the necessity of a wire.



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6. Claim 27 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Carmean as applied to claim 16, and further in view of Gunther (US 5,844,209).

Together Kashimoto et al. and Carmean teach all of the limitations of claim 27 except the limitation that the cooking appliance is calibrated based on food temperature verification data.

Gunther teaches calibration of an oven based on food temperature (column 4, lines 41-43).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Kashimoto et al. and Carmean with the teachings of Gunther. Carmean calibrates the oven by using the temperature inside the oven, however, to ensure that harmful bacteria are killed and to prevent over or undercooking of food, it is necessary to measure the temperature of the food being cooked (see Gunther, column 1, lines 9-23).

#### ***Allowable Subject Matter***

7. Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record, whether taken singularly or in combination, teaches the claimed invention.

Claim 7 requires a temperature acquisition module in communication with the remote computer via a second communication link, and a temperature probe connected to the

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temperature acquisition module and in communication with the cooking location, wherein the temperature probe senses the temperature of the cooking location and wherein the sensed temperature is transmitted via the temperature acquisition module to the remote computer.

Claim 9 requires a temperature acquisition module in communication with the remote computer via a second communication link; and a temperature probe connected to the temperature acquisition module and in communication with food that has been heated within the cooking location and then removed from the cooking location, wherein the temperature probe senses the temperature of the food and wherein the sensed temperature is transmitted via the temperature acquisition module to the remote computer.

8. Claims 18-23 are allowed.

The following is an examiner's statement of reasons for allowance: the claims are allowable over the prior art of record because none of the prior art, whether taken singularly or in combination, teaches the claimed invention.

Claim 18 requires B) placing a remote computer in communication with the programmable control module via a wireless communication link, wherein the remote computer comprises: i) a temperature acquisition module in communication with the remote computer via a second communication link, and ii) a temperature probe connected to the temperature acquisition module and in communication with the cooking location, C) heating the cooking location via the heating device until the temperature of the cooking location remains substantially stable for a predetermined period of time, D) sensing the temperature of the cooking location via the temperature probe, E) transmitting the sensed temperature via the

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temperature acquisition module to the remote computer via the second communication link, F) comparing at the remote computer the set point temperature to the sensed temperature, and G) transmitting from the remote computer to the programmable control module calibration instructions based on the results of the comparing of the set point temperature to the sensed temperature.

Claim 20 requires D) sensing the temperature of the food via a remote computer, wherein the remote computer comprises, i) a temperature acquisition module in communication with the remote computer via a communication link, and ii) a temperature probe connected to the temperature acquisition module and in communication with the food, wherein a desired food temperature has been programmed into the remote computer, E) comparing at the remote computer the desired food temperature to the sensed temperature, and F) transmitting from the remote computer to the programmable control module via a wireless communication link calibration instructions based on the results of the comparing of the desired food temperature to the sensed temperature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed November 6, 2003 have been fully considered but they are not persuasive.

Applicant asserts that there is no motivation to combine the teachings of Kashimoto et al. with the teachings of Carmean to remotely calibrate an oven. This argument has been considered, however, as will be shown, the motivation for the combination is clear.

The appliance of Kashimoto et al. comprises a management system having an information storage means for storing information such as cooking information for the food to be heated (column 4, lines 4-7). When a user of the appliance gives a command, the control system transmits cooking information for the selected recipe to the management system (column 3, lines 52-56, 62-67, and column 4, lines 1-3).

Carmean states “when a cooking oven is employed for cooking of food in accordance with a given recipe, it is desirable that the user of the oven be able to set the temperature controls of the oven in accordance with the instructions in a recipe” (column 1, lines 13-17).

Since the information storage means of Kashimoto et al. stores cooking information for each recipe, according to Carmean, it would be desirable to store calibration information about the temperature for each of the recipes. If the appliance of Kashimoto et al. could be calibrated as taught by Carmean using the information storage means and transmission of data, the oven could be remotely calibrated according to the specifications of each recipe.

Furthermore, since the oven could be calibrated remotely using the information stored in the information storage means, it would save the time it would take to calibrate it manually or to have a service call made to fix the calibration.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw



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